

333-08/PJG/GMV/BGC

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CONTAINER LEASING INTERNATIONAL,
LLC, f/d/b/a CARLISLE LEASING
INTERNATIONAL, LLC

Plaintiff

-against-

WETHOLD INTERNATIONAL B.V. and
EUROPA WEST-INDIE LIJNEN B.V. a/k/a
EUROPA WEST INDIES LIJNEN B.V.

Defendants.

08 CV 5609 (LAP)

JUDGMENT

WHEREAS, Plaintiff commenced this action on June 20, 2008, by the filing of a Summons and Verified Complaint, to seek recovery of its breach of contract damages against Defendant Europa West-Indie Lijnen B.V. a/k/a Europa West Indies Lijnen B.V. (hereinafter "EWIL") and to obtained security for its claims against EWIL;

WHEREAS, Plaintiff sought and obtained an order of attachment pursuant to Supplemental Admiralty Rule B, directing the Clerk to issue Process of Maritime Attachment and Garnishment ("PMAG") against all intangible property belonging to, claimed by, or being held for Defendant EWIL by any garnishees within the district, up to and including the sum of \$2,308,022.85;

WHEREAS, various garnishee banks were served with the PMAG and electronic funds transfers to or by Defendant EWIL in the total amount of \$472,592.79 have been restrained and

sequestered by the garnishee banks (including a single transfer of \$114,903.75 at BNP Paribas and three transfers totaling \$357,689.04 at ABN Amro), as a result of the above Order and PMAG;

WHEREAS, in accordance with Supplemental Admiralty Rule B(2) and Local Civil Rule B.2, Plaintiff has served Defendant EWIL with a copy of the complaint, summons and PMAG;

WHEREAS, also in accordance with Supplemental Admiralty Rule B(2) and Local Civil Rule B.2, Plaintiff has notified Defendant EWIL of the referenced restraints and the pendency of this action;

WHEREAS, Defendant EWIL has not answered, appeared or otherwise moved with respect to the instant action or the funds under attachment, and the time for doing so has expired;

WHEREAS, no further funds have been restrained other than the four transfers totaling \$472,592.79 identified above, and the Court's jurisdiction herein being considered *quasi in rem* and thus limited to the amount of funds under attachment;

WHEREAS, by virtue of the Declaration of Statement of Damages, Plaintiff has demonstrated recoverable damages in excess of the funds currently under attachment;

WHEREAS, the conditions have been satisfied for entry of judgment by default; and

WHEREAS, there is no just reason for delay.

NOW, upon application of Plaintiff,

IT IS ORDERED, ADJUDGED and DECREED that judgment be entered against Defendant Europa West-Indie Lijnen B.V. a/k/a Europa West-Indies Lijnen B.V. in favor of Plaintiff in the amount of \$472,592.79.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon expiration of ten (10) business days of the date of this order, BNP Paribas and ABN Amro are directed to turn

over all funds restrained by the order of attachment issued in this case and in their custody in the amounts of \$114,903.75 (BNP Paribas) and \$357,689.04 (ABN Amro), plus any accrued interest, in accordance with the written instructions provided by Plaintiff's counsel Freehill Hogan & Mahar, LLP.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff's rights to seek a judgment on the balance of the amounts owed to Plaintiff under the subject contracts described above are unaffected by this Judgment and Plaintiff's rights to seek recovery of those amounts are specifically reserved.

Dated this 18th day of August, 2008, at New York, New York.


U.S. DISTRICT JUDGE PRESKA

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

Date:

In Re:

-v-

Case #:

()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

-V-

NOTICE OF APPEAL

civ. ()

Notice is hereby given that

(party)

hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____ - _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

civ.

()

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-V-

**NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME**

civ. ()

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____.
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time

(party)
respectfully requests the court to grant an extension of time in
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)_____
(Address)_____
(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

-----X
-V-
-----X

AFFIRMATION OF SERVICE

civ. ()

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

(Signature)

(Address)

(City, State and Zip Code)

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006